

**Senate Bill No. 1395**

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Passed the Senate August 31, 2006

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*Secretary of the Senate*

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Passed the Assembly August 29, 2006

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 21099 to the Public Resources Code, relating to environmental quality.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1395, Ducheny. Environmental quality: Native American sites.

(1) The California Environmental Quality Act (CEQA) requires a lead agency to evaluate whether an activity is a project subject to CEQA or comes within an exemption, and if the activity is determined to be a project to prepare, or cause to be prepared, and certify the completion of, an environmental impact report or to adopt a negative declaration, as required. CEQA provides for specified exemptions from its provisions.

This bill would require a lead agency that determines that a project is exempt from CEQA for one of various specified reasons to notify in writing, within 10 days of that determination, all Native American tribes identified by the California Native American Heritage Commission as having an interest in the area that includes the site of the project, of specified information, including the location and a description of the project, a brief explanation of why the project was determined to be exempt from CEQA, and a single point of contact at the lead agency for use by a tribe to contact the lead agency about the exemption or project. The bill would require the single point of contact to be available to a Native American tribe regarding the exemption, project, or area that includes the site of the project, as specified.

(2) Because this bill would impose new duties on local governments with respect to consulting with a Native American tribe and providing the tribe with a notice of exemption, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 21099 is added to the Public Resources Code, to read:

21099. If a lead agency determines that a project is exempt from this division pursuant to paragraph (2), (3), or (4) of subdivision (b) of Section 21080, or Section 21080.13 or 21080.33, the lead agency, within 10 days of the determination, shall notify in writing all Native American tribes identified by the California Native American Heritage Commission as having an interest in the area that includes the site of the project, of all of the following:

- (a) The location of the project.
- (b) A description of the project.
- (c) Identification and a brief explanation of why the project was determined to be exempt from this division.

- (d) (1) A single point of contact at the lead agency for use by a tribe to contact the lead agency about the exemption or the project.

- (2) The single point of contact, upon a request by a Native American tribe, shall be available to exchange information and comments, as well as accept and consider information that a tribe may submit regarding the exemption, project, or the Native American tribe's interest in the area that includes the site of the project, unless these activities directly impede preventing or mitigating an emergency.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Approved \_\_\_\_\_, 2006

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*Governor*